

Judge Zilly

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OUR MONEY OUR TRANSIT, AND
ROBERT MACHERIONE,

Plaintiffs,

v.

FEDERAL TRANSIT ADMINISTRATION;
PETER M. ROGOFF, in his official capacity as
Administrator, Federal Transit Administration;
and RICHARD F. KROCHALIS, in his official
capacity as Regional Administrator, Federal
Transit Administration Region X Office,

Defendants,

CASE NO. C13-1004TSZ

**STIPULATION FOR ORDER
ESTABLISHING MODIFIED
BRIEFING SCHEDULE ON CROSS-
MOTIONS FOR SUMMARY
JUDGMENT; ORDER THEREON**

WHEREAS on October 1, 2013, this Court filed an order based on a stipulation of the parties establishing a case schedule for the above-captioned lawsuit; and

WHEREAS on October 3, 2013, due to a lapse in appropriations, a widespread shutdown of federal government operations occurred resulting in furloughs of employees of numerous federal agencies, including the Federal Transit Administration; and

WHEREAS these furloughs persisted until October 17, 2013, following a restoration of appropriations;

1 WHEREAS as a direct result of this shutdown, necessary FTA employees were
2 unavailable to coordinate with employees of the Lane Transit District on matters necessary
3 for the preparation of the administrative record; and

4 WHEREAS preparation of the administrative record is back on track but has been
5 delayed to the point where the date previously agreed upon by the parties for the production
6 of the record now cannot be met; and

7 WHEREAS the inability to meet the original deadline for the production of the
8 administrative record has a cascading effect on the other deadlines agreed to by the parties
9 and ordered by the Court; and

10 WHEREAS the parties now jointly request that the deadlines be modified as proposed
11 in this stipulation to adjust for the delay in producing the administrative record;

12 NOW THEREFORE, the parties, through their respective counsel of record, do
13 hereby stipulate and agree that the Court may make and enter the following order:

14 1. FTA shall lodge the certified administrative record on or before November 7,
15 2013. In addition, within 10 days following the filing of the last memorandum of law
16 according to the briefing schedule below, the parties shall provide the Court with excerpts of
17 the administrative record in hard copy, which shall include the key administrative record
18 documents upon which the parties have relied in their legal memoranda.

19 2. Responses to the complaint shall be filed on or before November 15, 2013.

20 3. If there is an intractable dispute concerning the administrative record, OMOT
21 shall file any motion objecting to the contents of the administrative record no later than
22 November 22, 2013. In such an event, the parties would negotiate an appropriate extension
23 of other deadlines.

24 4. OMOT shall file and serve its motion for summary judgment by January 31,
25 2014.

26 5. FTA and LTD shall file and serve their oppositions to OMOT's summary
27 judgment motion and cross motion for summary judgment by February 28, 2014.

6. OMOT shall file and serve its reply memoranda and opposition to FTA and LTD's cross motions by March 28, 2014.

7. FTA and LTD shall file and serve their reply briefs in support of their cross motion for summary judgment by April 25, 2014.

8. All motions shall be noted on the Court's calendar for Friday, April 25, 2014.

SO STIPULATED.

DATED: October 28, 2013.

YARMUTH WILSDON PLLC

By s/ Kristina S. Bennard

Kristina S. Bennard

818 Stewart Street, Suite 1400

Seattle, WA 98101

Telephone: 206.516.3831

Email: kbennard@yarmuth.com

VENABLE LLP

Kathryn Kusske Floyd (admitted pro hac vice)

Jay C. Johnson (admitted pro hac vice)

Margaret K. Kuhn (admitted pro hac vice)

575 7th Street, N.W.

Washington, D.C. 20004

Telephone: 202.344.4000

Email: kkfloyd@venable.com

jcjohnson@venable.com

mkkuhn@venable.com

Attorneys for Plaintiffs

///

///

///

1 SO STIPULATED.

2 DATED: October 28, 2013.

3 JENNY A. DURKAN
4 United States Attorney

5
6
7 By s/ Brian C. Kipnis
8 Brian C. Kipnis
9 Assistant United States Attorney
10 Office of the United States Attorney for the
11 Western District of Washington
12 5220 United States Courthouse
13 700 Stewart Street
14 Seattle, WA 98101
15 Telephone: 206.553.7970
16 Email: brian.kipnis@usdoj.gov

17 Attorneys for Defendants

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 SO STIPULATED.

2 DATED: October 28, 2013.

3
4 **HOLLAND & KNIGHT LLP**

5 By s/ Christopher W. Angius
6 Christopher W. Angius
7 Holland & Knight LLP
8 111 S.W. Fifth Avenue
9 2300 U.S. Bancorp Tower
10 Portland, OR 97204
11 Telephone: 503.243.2300
12 Email: christopher.angius@hklaw.com

13 Attorneys for Lane Transit District

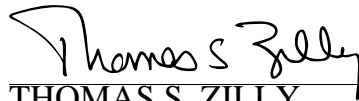
14 Of Counsel for Lane Transit District:

15 Rafe Petersen
16 Jeffrey Boothe
17 Lawrence Liebesman
18 Holland & Knight LLP
19 800 17th Street, N.W. Suite 1100
20 Washington, D.C. 20006
21 Telephone: 202.955.3000
22 Email: rafe.petersen@hklaw.com

23
24 **ORDER**

25 IT IS SO ORDERED.

26 DATED this 29th day of October, 2013.

27
28 
THOMAS S. ZILLY
United States District Judge